» DISTRICT OF TEXAS

IN THE UNITED STATES DISTRICT COURT

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015).

DIVISION
Plaintiff Name and D'Namber
COLFILL : USE DISTRICT COURS 618 CV649 JDK-KNM
Place of Confinement DEC 19 2018 CASE NO. (Clerk will assign the number)
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Defendant's Name and Address Date 15 4 3 10 10 10 10 10 10 10 10 10 10 10 10 10
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Defendant's Name and Address (DO NOT USE "ET AL.") Mighely, Telfory, SV Units ENE MOMEDEN
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City 6 13 10 their
Your complaint is subject to dismissal unless it conforms to these instructions and this form.

- 1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
- 2. Your complaint must be <u>legibly</u> handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, <u>DO NOT USE THE REVERSE</u> <u>SIDE OR BACK SIDE OF ANY PAGE</u>, ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
- 3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
- 4. When these forms are completed, mail the original and one copy to the elerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

FILING FEE AND IN FORMA PAUPERIS (IFP)

- 1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of \$400.00.
- 2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed in forma pauperis. In this event you must complete the application to proceed in forma pauperis, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed in forma pauperis and the certificate of inmate trust account, also known as in forma pauperis data sheet, from the law library at your prison unit.
- 3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal in forma pauperis, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed in forma pauperis, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding in forma pauperis.)
- 4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

. PREVIO	US LAWSUITS:
A. H	ave you filed <i>any</i> other lawsuit in state or federal court relating to your imprisonment?YESNC
	your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one wsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
	Approximate date of filing lawsuit: (lo o'2 /2 e m e mber
2.	Parties to previous lawsuit:
	Plaintiff(s) Julin ed Garragala St
	Defendant(s) un 40 / State & PHELO SENT & FAM. CLICK I TUN
3.	Court: (If federal, name the district; if state, name the county.)
4.	Cause number: 6 18.0160/
5.	Name of judge to whom case was assigned: 10 111 -0 16
6.	Disposition: (Was the case dismissed, appealed, still pending?)
7.	Approximate date of disposition: QAMALMUL

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Case of 6,18 (V60)

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V. STATEMEN	VT OF CLAIM:

•	State here in a short and plain statement the facts of your case, that is, what happened, wh		
	when did it happen, and who was involved. Describe how <u>each</u> defendant is involved. A <u>any legal arguments or cite any cases or statutes</u> . If you intend to allege a number of relate		
	and set forth each claim in a separate paragraph. Attach extra pages if necessary, b		
	complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, TH		
•	STRIKE YOUR COMPLAINT.	Æ	
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	B. List all TDCJ-CID identification numbers you have ever been assigned and all other	er state or fe	deral
	prison or FBI numbers ever assigned to you.		•
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VIII.	SANCTIONS:		1
	A. Have you been sanctioned by any court as a result of any lawsuit you have filed?	YES_/	NO -
	B. If your answer is "yes," give the following information for every lawsuit in which	sanctions	were
	imposed. (If more than one, use another piece of paper and answer the same question		
	1. Court that imposed sanctions (if federal, give the district and division):		
	2. Case number		
	3. Approximate date sanctions were imposed:		*
	4. Have the sanctions been lifted or otherwise satisfied?	YES	NO
- 1 · 1 · 1 · 1 · 1 · 1 · 1 · 1 · 1 · 1	4. Lid ac the ordered offit titled of order also ordered.		14 P

Case	6:18-cv-00649-JDK-KNM Document 1 Filed 12/19/18 Page 9 of 17 PageID #: 9
Č.	Has any court ever warned or notified you that sanctions could be imposed? YES NO
D.	If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)
	1. Court that issued warning (if federal, give the district and division):
	2. Case number:3. Approximate date warning was issued:
•	
Executed (on: 12-10-18 Julea Co Guerala 5
:	DATE (Signature of Plaintiff)
PLAINTI	FF'S DECLARATIONS
2. 3. 4.	I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit. I understand I must exhaust all available administrative remedies prior to filing this lawsuit. I understand I am prohibited from bringing an in forma pauperis lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid. day of 20 20 20 20 20 20 20 2
	On which (Signature of Plaintiff)
WARNIN above que	G: Plaintiff is advised any false or deliberately misleading information provided in response to the stions may result in the imposition of sanctions. The sanctions the court may impose include, but

are not limited to, monetary sanctions and the dismissal of this action with prejudice.

Case 6.16-07-00049-JDK-KINIVI DOCUMENT 1 Filed 12/19/18	Page 10 01 17 PageID #. 10
Texas Department of Criminal Justice	OFFICE USE ONLY
OFFENDER	Grievance #:
STEP 1 GRIEVANCE FORM	Date Received:
	Date Due:
	Grievance Code:
Offender Name: TUYON CH (NUCVASA TDGJ# (90 / 0)	Investigator ID #:
Unit: Color Housing Assignment: 4/6	Extension Date:
Unit where incident occurred:	Date Retd to Offender:
/	
You must try to resolve your problem with a staff member before you submit a formal co	omplaint. The only exception is when
who did you talk to (name, title)?	When? Ld ~ 10
What was their response?	
What action was taken? 1017	
State your grievance in the space provided. Please state who, what, when, where and the	disciplinary case number if appropriate
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Action Requested to resolve your Complaint.	and and
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Offender Signature: /// ////////////////////////////////	Date:
Grievance Response:	
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Signature Authority:	Date:
If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Inv State the reason for appeal on the Step 2 Form.	estigator within 15 days from the date of the Step 1 response.
Returned because: *Resubmit this form when the corrections are made.	
1. Grievable time period has expired.	
2. Submission in excess of 1 every 7 days. *	OFFICE USE ONLY
3. Originals not submitted. *	Initial Submission . UGI Initials:
4. Inappropriate/Excessive attachments. *	Grievance #:
5. No documented attempt at informal resolution. *	Date Recd from Offender:
6. No requested relief is stated. *	Date Returned to Offender:
7. Malicious use of vulgar, indecent, or physically threatening language. *	2 nd Submission UGI Initials:
8. The issue presented is not grievable.	Grievance #:
9. Redundant, Refer to grievance #	Screening Criteria Used:
10. Illegible/Incomprehensible. *	Date Recd from Offender:
11. Inappropriate. *	Date Returned to Offender:
UGI Printed Name/Signature:	3rd Submission UGI Initials:
Application of the screening criteria for this grievance is not expected to adversely	Grievance #:
Affect the offender's health.	Screening Criteria Used:
Medical Signature Authority:	Date Recd from Offender:
	Date Returned to Offender:
I-127 Back (Revised 11-2010)	•

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Case 6:18-cv-00649-JDK-KNM Document 1 Filed 12/19/18 Page 14 of 17 PageID #: 14
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